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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION – RIVERSIDE**

BLUETRITON BRANDS, INC.,

Plaintiff,

v.

UNITED STATES FOREST SERVICE, *et al.*,

Defendants.

2:24-cv-09720-JGB-DTB

**DECLARATION OF DANELLE
D. HARRISON**

1 I, Danelle D. Harrison, do hereby declare as follows:

2 **EXPERIENCE**

3 1. I am employed by the United States Department of Agriculture,
4 Forest Service, (“USFS”), and have been a USFS employee since 2002. I have
5 served as the Forest Supervisor for the San Bernardino National Forest
6 (“Forest”) in California from August 2021 to present.

7 2. As Forest Supervisor, I am responsible for administering uses of
8 National Forest System lands and managing the use and protection of resources
9 located on those lands within the Forest, including authorizations which permit
10 the use of Forest resources. I supervise line officers and staff—USFS employees
11 who carry out much of the details of this work on my behalf, including the
12 authorized officer for BlueTriton’s permit application, District Ranger Michael
13 Nobles. As Forest Supervisor, I have consulted with the Yuhaaviatam of San
14 Manuel Nation on a variety of matters and I have visited the Arrowhead Springs
15 Hotel property during the course of those consultations. I make this declaration
16 based on the professional knowledge and review of the records regularly
17 maintained by the USFS and available to me in the course of official business,
18 including USFS documentation and communication regarding the permit issued
19 to BlueTriton Brands, Inc. (“BTB”) for a water transmission pipeline
20 (Authorization ID: FCD728503).

21 **WATER SOURCES AT ARROWHEAD SPRINGS**

22 3. As Forest Supervisor, I am familiar with the water sources available
23 to support the Arrowhead Springs Hotel property.

24 4. My staff have verified that the California State Water Resources
25 Control Board’s public website lists a total of five points of diversion for
26 groundwater on the Nation’s property: G363685L001 (ERLL #5 Rowan Well),

1 G363683L001 (Well No 2. Hot Well), G363686L001 (GEO Mud Bath Well),
2 G363684L001 (Well #4 Football Field), and G363687L001 (Well #6 Strawberry
3 Creek Well). All points of diversion listed are under the name Arrowhead Water
4 & Power.

5 5. The Nation also has access to surface water resources on their
6 property: East Twin Creek runs across the property, which includes the surface
7 water expression of all the waters that flow out of Strawberry Canyon. If the San
8 Manuel Band requires access to National Forest System lands to divert water,
9 they have the same opportunity to apply for a permit as any other member of the
10 public.

11 **PRIOR COORDINATION WITH NATION**

12 6. In the course of screening BlueTriton's application for a new
13 authorization for the company's pipeline, we informed BlueTriton that more
14 information was needed about the uses of the pipeline, including the uses of
15 water that BlueTriton supplies to the Nation according to their contractual
16 relationship. An applicant must provide information sufficient to support a
17 decision by the Forest Service that the permit they request would be in
18 compliance with applicable laws and the Land Management Plan for the San
19 Bernadino National Forest. As the applicant for the authorization, BlueTriton
20 had this duty, not the Nation. Still, USFS began coordinating with the Nation as
21 early as September 19, 2023, to discuss the Nation's concerns in regards to
22 BlueTriton's permit. In March 2024, the Nation invited Forest Service leadership
23 to the Arrowhead Springs Hotel to tour the facility and discuss their concerns
24 over water supply. Prior to the denial of BlueTriton's application, I offered my
25 assistance in helping the Nation seek other water supply alternatives, but the
26 Nation declined. On August 20, 2024, I attended a consultation meeting with six

1 Tribal Council members, which included Chairwoman Valbuena, the Tribal
2 Chief of Staff and four attorneys for the Nation. The consultation meeting was
3 centered around the Federal permitting process and NEPA requirements
4 associated with different permits. In addition, we discussed overall watershed
5 issues and possible opportunities to collaborate with other partners for an
6 alternative water source.

7 7. After the Forest Service sent the Notice of Denial to BlueTriton, I
8 modified the July 27 denial letter on August 2 and again on August 27 to
9 authorize the use of the upper tunnels, 2, 3 and 8 to provide water to the
10 Arrowhead Springs Hotel property. This modification was an effort to provide
11 the Nation with adequate time to find a temporary or permanent solution to
12 getting water to the property.

13 8. The Forest has been facilitating weekly discussion with the
14 Nation's staff to find an alternative solution to water sources for the Nation by
15 the January 15 deadline. On September 25, 2024, I personally met with the
16 Nation, which included the Chairwoman and the Chief Executive Officer and
17 General Manager of the San Bernardino Valley Municipal Water District to seek
18 alternative options for water sources.

19 9. I organized a meeting on December 4, 2024, to connect the Nation
20 with San Bernardino Valley Municipal Water District. The purpose of this
21 meeting was to explore alternatives to support the Nation's needs for water on
22 the property. At that meeting, the Nation's representatives told the Front Country
23 District Ranger Michael Nobles and Spencer McCloud, Tribal Relations
24 Specialist for the San Bernardino National Forest, that San Bernardino Valley
25 Municipal Water District has provided both a temporary and permanent water
26 connection to the Arrowhead Hotel property. The plan included connecting the

1 Arrowhead Springs property to a temporary above the ground water pipe. This
2 plan would provide the Arrowhead Springs property with a temporary solution
3 until they are able to connect to municipal water. The Nation's representatives
4 stated that they are looking into all funding options, including assistance from
5 the Indian Health Service and U.S. Environmental Protection Agency, to cover
6 the costs for establishing a permanent water municipal connection to the
7 property. Spencer McCloud had previously connected the Nation with Michael
8 Cadena, who serves at the Tribal Utilities Technician at Indian Health Services,
9 to discuss water connection options. The Nation told the Forest Service that they
10 met with Mr. Cadena on October 29, 2024, and the Indian Health Services was
11 able to connect the Nation with U.S. Environmental Protection Agency for
12 additional funding options.

13 10. The Forest Service has told the Nation that they are able to apply for a
14 special use permit for use and occupancy on National Forest Service land. The
15 Nation has not applied for any special use permit with the Forest Service for
16 occupancy and use within Strawberry Canyon.

17 **BLUETRITON'S DECOMMISSIONING PLAN**

18 11. The Forest Service received BlueTriton Brands' decommissioning
19 plan on October 18, 2024. Forest Service District Ranger Mike Nobles sent a
20 confirmation to BlueTriton representative Trey Mixon that the Forest Service
21 received the plan and a review was being conducted. Ranger Nobles made it
22 clear to BlueTriton that the plan had not yet been approved or denied and that
23 there will be no removal or ground disturbance until a plan was approved by the
24 Forest. San Bernardino National Forest staff has enlisted a variety of specialists
25 to review the plan, including a Forest Service Pacific Southwest Region
26 engineering team, specialists from the Front Country Ranger District, and an

1 archaeologist from the Forest. The first set of review has been completed with
2 feedback received from various disciplines. Initial review of the plan shows that
3 BlueTriton will need to provide additional information on how they will comply
4 with other regulatory agencies, the amount of ground disturbance that will be
5 needed, how BlueTriton plans on removing the infrastructure, and mitigation
6 efforts following decommissioning to complete an adequate Forest Service
7 review. The Forest Service is compiling comments on the plan and has not yet
8 communicated them to BlueTriton. The Forest Service expects that coordinating
9 with BlueTriton on revisions to the plan will take several months, and the Forest
10 has committed to providing at least 30 days notice to BlueTriton and the Nation
11 ahead of the date when removal work would be expected to commence.

12 12. The Forest Service has been working on a Watershed Restoration
13 Action Plan (WRAP) for the sole purpose of rehabilitating Strawberry Canyon
14 following the removal of the pipeline. The WRAP is aimed at improving the
15 overall health of the watershed by addressing factors such as water quality,
16 water quantity, sedimentation, noxious weeds/invasive plants, and biological
17 and ecological health. The WRAP will involve working with partners who have
18 a strong background in hydrology, biology, and botany, along with Forest
19 Service staff. The partners will also provide support to the Forest Service to
20 monitor overall conditions at Strawberry Canyon following the removal of the
21 pipeline. The Forest Service aims to prevent further degradation of the
22 ecosystem, which is why the WRAP was created to rehabilitate the
23 environment.

24 The statements in this declaration are based on my personal knowledge and
25 I can competently testify regarding them if called upon to do so. I declare under
26 penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and

27 *BlueTriton Brands, Inc., v. U.S. Forest Service et al.* (No. 1:24-cv-02302)
Declaration of Danelle D. Harrison

correct.

Dated: January 10, 2025

DANELLE
HARRISON

Digitally signed by
DANELLE HARRISON
Date: 2025.01.10
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Danelle D. Harrison Forest

Supervisor

San Bernardino National Forest